IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Crl.MC.No. 3922 of 2006()

CRIME NO.579/2006 OF KOTTIYAM POLICE STATION
B.A.NO.6030 OF 2006 DATED 03/11/2006

PETITIONER: ACCUSED
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1. SUNEESH, S/O.BABU,
SUNITHABHAVANIL, MANNATHIKKULAM,
PUNACKAL CHERI, MAYYANAD VILLAGE,
KOLLAM DISTRICT.

2. PRAVEEN @ KUTTAN, S/O.SIVAPALAN,
THEKKE KAVALAZHIKAM VEEDU,
VENPALAKKARA, THAZHATHU CHERI,
ERAVIPURA VILLAGE, KOLLAM DISTRICT.

3. SANQUE @ KOCHUCHERUKKEN,
S/O.RAJU, VAYALIL PUTHEN VEEDU,
VENPALAKKARA, THAZHATHU CHERI,
ERAVIPURA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE S.I. OF POLICE,
KOTTIYAM POLICE STATION,
KOLLAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3922 of 2006

Dated this the 12th day of December 2006

O R D E R

The petitioners face allegations interalia under Sections 307 and 326 read with 149 and 120(B) I.P.C. The alleged incident is one having communal overtune, submits the learned Public Prosecutor. The petitioners were enlarged on bail as per the order dated 03/11/2006. They have been directed not to enter the Sessions Division of Kollam for a period of four months from the date of the order.

2. The petitioners have now come to this court with the prayer that the conditions imposed may be modified. Investigation is not yet complete. The learned counsel for the petitioner submits that the co-accused, who even according to the prosecution have more prominent role in the commission of the alleged crime, have been released on bail without imposing any onerous condition as were imposed by this court in the order dated 03/11/2006. The order imposing the condition may, in these circumstances modified, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that as against the co-accused

also conditions have been prescribed to eliminate their presence in the locality where the crime has been committed.

4. The learned Magistrate also had directed that the accused persons will not enter the Taluk of Kollam. The conditions may not be modified, submits the learned Public Prosecutor. If at all, they are modified, they may not be permitted to enter the taluk of Kollam like the co-accused, it is prayed.

5. Having considered all the relevant inputs, I am satisfied that the conditions can be modified to ensure that the conditions applicable to all the co-accused are identical. To that extent, the prayer made in this petition can be allowed.

6. In the result, this Criminal Miscellaneous Case is allowed in part. The condition imposed on the petitioners that they shall not enter the Sessions Division of Kollam is modified and it is directed that they shall not enter the taluk of Kollam.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006